

Remarks

By this amendment, claims 1-21 have been cancelled without prejudice or disclaimer. No claims have been added or amended. Applicant has cancelled claims 1-21 in order to expedite prosecution and does not, by this cancellation, intend to abandon subject matter of the claims as originally filed or later presented, and reserves the right to pursue such subject matter in a continuing application. Therefore, allowed claims 22-68 are pending.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 4, and 12-14 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,099,134 to Hase et al. ("Hase"). Applicant traverses.

Merely to expedite prosecution without any intention of imparting a narrowing scope on any of the remaining claims, Applicant has cancelled claims 1-21 without prejudice or disclaimer. Applicant has cancelled claims 1-21 not in view of prior art. Indeed, Applicant plans to file a reissue continuation directed to the cancelled claims 1-22 and accordingly does not relinquish or disclaim the scope of that subject matter in any fashion. Applicant has cancelled claims 1-21 with the goal to expedite obtaining granted reissued claims capable of enforcement. Moreover, given that this application was filed on March 18, 2004 and is still being prosecuted in 2010, Applicant wants to ensure significant remaining patent term on claims the Office has indicated as allowed even though it would likely be at the expense of term for claims 1-21.

Accordingly, the rejection is now moot.

Claims 1 and 3 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,768,339 to O'Hara ("O'Hara"). Applicant traverses.

Merely to expedite prosecution without any intention of imparting a narrowing scope on any of the remaining claims, Applicant has cancelled claims 1-21 without prejudice or disclaimer. Applicant has cancelled claims 1-21 not in view of prior art. Indeed, Applicant plans to file a reissue continuation directed to the cancelled claims 1-21 and accordingly does not relinquish or disclaim the scope of that subject matter in any fashion. Applicant has cancelled claims 1-21 with the goal to expedite obtaining granted reissued claims capable of enforcement. Moreover, given that this application was filed on March 18, 2004 and is still being prosecuted in 2010, Applicant wants to ensure significant remaining patent term on claims the Office has indicated as allowed even though it would likely be at the expense of term for claims 1-21.

Accordingly, the rejection is now moot.

Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

If an extension of time is necessary to prevent abandonment of this application, then such an extension of time is hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (Ref. No. **081468-0308088**).

Date: May 21, 2010

Respectfully submitted,

By: _____

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